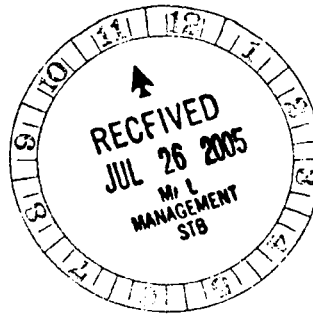


214407

July 21, 2005

Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001



**Re: Surface Transportation Board Docket No. AB-682 (~~SA-2005-17~~);  
The Los Angeles Junction Railway Company Abandonment of  
Maywood, California**

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Michael A. Smith  
Senior Counsel  
Direct 312.360.6724  
Fax 312.360.6598  
msmith@  
freebornpeters.com

Dear Ms. Rutson:

On or after August 10, 2005, we are filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California, which traverses through United States Postal ZIP Code 90270 in Los Angeles County, California. Attached are ten copies plus the original of the Environmental and Historic Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

*Chicago*

*Springfield*

Sincerely,

Michael A. Smith

ENTERED  
Office of Proceedings

JUL 26 2005

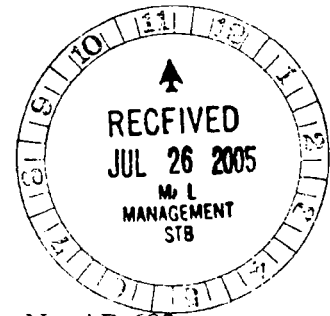
Part of  
Public Record

Enclosures

214407

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between LAJ MM 2.21 and LAJ MM 2.67  
In Maywood, Los Angeles County, California



ENTERED  
Office of Proceedings

Docket No. AB-682  
~~(Sub No. 1X)~~

JUL 26 2005

**ENVIRONMENTAL REPORT**

Part of  
Public Record

The following information is submitted to the Surface Transportation Board by The Los Angeles Junction Railway Company (LAJ)<sup>1</sup> in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding LAJ's Notice of Exemption for abandonment of its line between MM<sup>2</sup> 2.21 to MM 2.67 in Maywood, Los Angeles County, California, a total distance of 0.46 miles.

**(1) Proposed action and Alternatives:** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

LAJ seeks to abandon and discontinue service of the line. This may involve the removal of track materials, bridges and structures. A map of the line is attached as Exhibit A.

**(2) Transportation system:** Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

**(3) Land Use:**

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

LAJ believes that the proposed exemption will not be inconsistent with local or regional land use plans. The City of Maywood's Community Development Commission is acquiring a portion the property in question in order to make it part of the San Gabriel River Park Project. See Exhibit B, letter from the City of Maywood.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed exemption should have no effect on prime farmland. The Natural Resources Conservation Service was notified by a letter dated May 5, 2005. See Exhibit C. As of the date of this report, the Natural Resources Conservation Service has not responded directly to that inquiry.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The right-of-way is suitable for alternative public uses. The City of Maywood's Community Development Commission is acquiring the right-

of-way to make it part of the San Gabriel River Park Project. The former railroad line is expected to be an integral part of the park, providing recreational opportunities for thousands of families in Maywood and the surrounding communities. See Exhibit B, letter from the City of Maywood.

**(4) Energy:**

(i) Describe the effect of the proposed action on transportation of energy.

There are no known recoverable energy resources along the line. The line has not been used historically in the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

**(5) Air:**

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the

reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

**(6) Noise:** If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

**(7) Safety:**

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are two public crossings and no private crossings.

During salvage operations on the line, if any may occur, precautions will

be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

The City of Maywood is acquiring the land involved and has completed a comprehensive environmental assessment. The proposed area to be acquired is sandwiched between the former Pemaco site (a superfund site) on the East and the Precision Arrow and W.W. Henry properties to the West. Thirty three constituents of potential concern have been found on the various parcels including some on the Los Angeles Junction Railway right of way. The City of Maywood plans to rehabilitate and develop the combined parcels totaling 7.3 acres into a park.

**(8) Biological resources:**

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

LAJ believes that the proposed exemption will not affect endangered or threatened species or areas designated as critical habitat. The US Fish and

Wildlife Service and the California Department of Fish and Game were notified by letters dated May 5, 2005. See Exhibits D and E. As of the date of this report, neither has responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

LAJ believes the proposed exemption will not affect wildlife sanctuaries or refuges, National or State parks or forests. The nearest units of the California State Park System are approximately six miles away from the project site, and are unlikely to be affected by the half mile long abandonment. See Exhibit F, e-mail from the California Department of Parks and Recreation.

**(9) Water:**

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

LAJ believes that the proposed exemption will be consistent with applicable federal, state or local water quality standards. The Los Angeles Regional Water Quality Control Board was notified by a letter dated May 5, 2005. See Exhibit G. As of the date of this report, the Los Angeles Regional Water Quality Control Board has not responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.



LAJ believes the proposed exemption will not require a Section 404 permit. Based on the submitted map and aerial photograph, the Army Corps of Engineers has determined that the proposed project is outside the limits of their geographical jurisdiction. Therefore, the project is not subject to their jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required. See Exhibit H, letter from the Army Corps of Engineers.

LAJ believes that the proposed exemption will not affect the 100-year floodplains. The City of Maywood was notified by a letter dated May 5, 2005. See Exhibit I. As of the date of this report, the City of Maywood has not responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

LAJ believes that Section 402 permits will not be required for the proposed action. The Los Angeles Regional Water Quality Control Board was notified by a letter dated May 5, 2005. See Exhibit G. As of the date of this report, the Los Angeles Regional Water Quality Control Board has not responded directly to the inquiry. LAJ will provide the Board copies of any response it may receive.

**(10) Proposed Mitigation:** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with LAJ's general practice of requiring its private contractors to comply with all federal, state and local laws

and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: July 19, 2005

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between LAJ MM 2.21 and LAJ MM 2.67  
In Maywood, Los Angeles County, California

Docket No. AB-682  
(Sub-No. 1X )

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by The Los Angeles Junction Railway (LAJ)<sup>1</sup> in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding LAJ's Notice of Exemption to abandon its line of railroad between MM<sup>2</sup> 2.21 to MM 2.67 in Maywood, Los Angeles County, California, a total distance of 0.46 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the California State Office of Historic Preservation and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

---

<sup>1</sup> LAJ is a wholly owned subsidiary of BNSF Railway Company

<sup>2</sup> MM stands for mile marker.

The Maywood, CA Trackage is located within the City of Maywood, California which had a 2000 population of 28,083. Maywood is located in the suburban area of Los Angeles. The City of Maywood will continue to have rail service following the proposed abandonment. A city park is adjacent to the right of way on the north end of the trackage proposed for abandonment. The right of way is 50 feet wide and is relatively flat.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no historically significant structures that will be removed by this project. The Los Angeles Junction Railway Company and BNSF have no structures in this right of way area. See Exhibit B.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was deeded to The Atchison Topeka & Santa Fe Railway in September 1994. Records prior to that time are incomplete. The Los Angeles Junction Railway Company was incorporated on May 26, 1923 for the stated purpose "to construct, own and operate a railroad" in Los Angeles County, California. Land and railroad right of way were acquired over a period of 60+ years from various grantors.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in LAJ's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of LAJ's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The California State Office of Historical Preservation was notified by a letter dated May 2, 2005. See Exhibit J. As of the date of this report, the California State Office of Historical Preservation has not offered recommendations regarding the proposed abandonment. LAJ will provide the Board copies of any response it may receive.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

LAJ is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

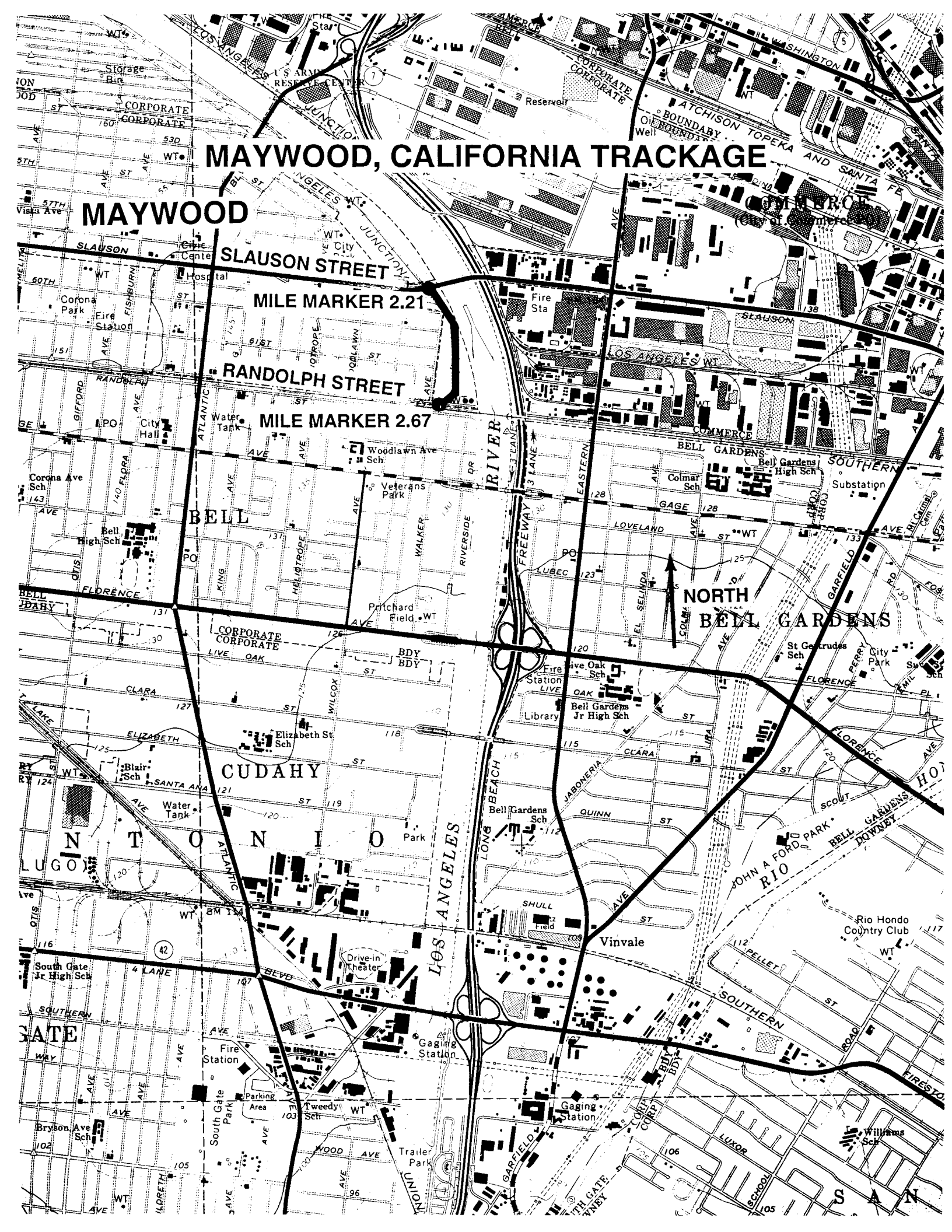
A handwritten signature in black ink, appearing to read 'Michael Smith', written over a horizontal line.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: July 19, 2005

A

# MAYWOOD





B



# City of Maywood

4319 East Slauson Avenue • Maywood, California 90270  
Tel: (323) 562-5700 • Fax (323) 773-2806

May 16, 2005

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois 60606-6677  
Attn: Brian Nettles

Dear Mr. Nettles,

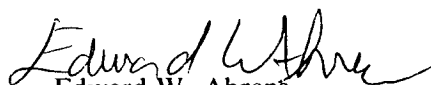
The City of Maywood fully supports the Los Angeles Junction Railway Company's abandonment of the proposed 0.46 of railroad line between M.P. 2.21 to M.P. 2.67.

As you know, the City's Community Development Commission is purchasing the property in question in order to make it a part of the San Gabriel River Park Project. Abandonment of the Railroad line is crucial to that endeavor. We expect the former railroad line to be an integral part of the park, providing recreational opportunities for to the thousands of families in Maywood and surrounding communities.

Finally, no historically significant structures will be removed by this project. In fact, the Los Angeles Junction Railway Company and BNSF have no structures in this right of way area and are therefore not abandoning any structures at all.

Thank you for your anticipated cooperation in abandoning this unused rail spur and facilitating the park use of this property.

Sincerely,  
CITY OF MAYWOOD

  
Edward W. Ahrens  
Chief Administrative Officer

C

Freeborn & Peters LLP

May 5, 2005

Natural Resources Conservation Service  
Lancaster Service Center  
44811 N Date Ave  
Lancaster, CA 93534-3136

**Re:    *The Los Angeles Junction Railway Company Abandonment of Maywood,  
California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information by June 5, 2005. Thank you for your cooperation.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

*Chicago*

*Springfield*

D

Freeborn & Peters LLP

May 5, 2005

Chief, Division of Endangered Species  
U.S. Fish and Wildlife Service  
Eastside Federal Complex  
911 N.E. 11th Ave.  
Portland, OR 97232-4181

**Re:    *The Los Angeles Junction Railway Company Abandonment of Maywood,  
California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2005. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

E

Freeborn & Peters LLP

May 5, 2005

California Department of Fish and Game  
Habitat Conservation Planning Branch  
1416 Ninth Street  
Sacramento, California 95814

**Re:    *The Los Angeles Junction Railway Company Abandonment of Maywood,  
California***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
50606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

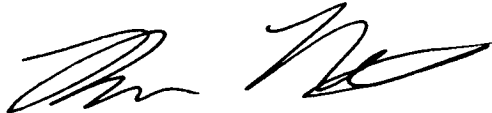
As part of the environmental report BNSF needs to know whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent or near the line and if so, what effects the proposed action may have.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2005. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

*Chicago*

*Springfield*



**F**

## Nettles, Brian

---

**From:** Noah Tilghman [ntilg@parks.ca.gov]  
**Sent:** Wednesday, May 11, 2005 10:27 AM  
**To:** Nettles, Brian  
**Cc:** Suzanne Goode  
**Subject:** Los Angeles Junction Railway Co. Abandonment, Maywood

Mr. Nettles,

Your May 5, letter inquires whether there may be any State Parks in proximity to your rail line abandonment project near the Los Angeles River in Maywood, California.

The nearest units of the California State Park System are approximately six miles distance from your project site, and unlikely to be impacted by your half mile long abandonment.

Regarding other wildlife sanctuaries, refuges, national parks or national forests, I suggest that you contact the California Department of Fish and Game, National Park Service, US Forest Service, and US Fish and Wildlife Service directly.

B. Noah Tilghman  
Senior Park and Recreation Specialist  
Natural Resources Division  
California Department of Parks and Recreation  
(916) 653-3460

G

Freeborn & Peters LLP

May 5, 2005

Xavier Swamikannu  
Los Angeles Regional Water Quality Control  
Board  
320 W. 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013-2343

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
50606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

*Chicago*

*Springfield*

**Re:    *The Los Angeles Junction Railway Company Abandonment of Maywood,  
California***

Dear Mr. Swamikannu:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

H



**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, CORPS OF ENGINEERS**  
**P.O BOX 532711**  
**LOS ANGELES, CALIFORNIA 90053-2325**

REPLY TO  
ATTENTION OF:

May 23, 2005

Office of the Chief  
Regulatory Branch

Mr. Brian Nettles  
311 South Wacker Drive  
Chicago, Illinois 60606

Dear Mr. Nettles:

Reference is made to your jurisdictional determination request (No. 200501389-KW) dated May 5, 2005, regarding the abandonment of 0.46 miles of rail line between M.P. 2.21 and M.P. 2.67, adjacent to the Los Angeles River in Maywood, Los Angeles County, California (see enclosed map).

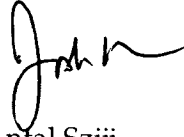
Based on the submitted map and aerial photograph, we have determined that your proposed project is located outside the limits of our geographical jurisdiction. Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

Furthermore, you are hereby advised that the Corps of Engineers has established an Administrative Appeal Process for jurisdictional determinations which is fully described at 33 CFR Part 331. The Administrative Appeal Process for jurisdictional determinations is diagrammed on the enclosed Appendix C. If you decide not to accept this approved jurisdictional determination and wish to provide new information, please send the information to this office. If you do not supply additional information you may appeal this approved jurisdictional determination by completing the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" form and submitting it directly to the Appeal Review Officer at the address provided on the form.

Please be aware that our determination does not preclude the need to comply with Section 13260 of the California Water Code (Porter/Cologne) and we recommend that you contact the California Regional Water Quality Control Board to insure compliance with the above regulations. Furthermore, our determination does not obviate the need to obtain other Federal, state, or local authorizations required by law.

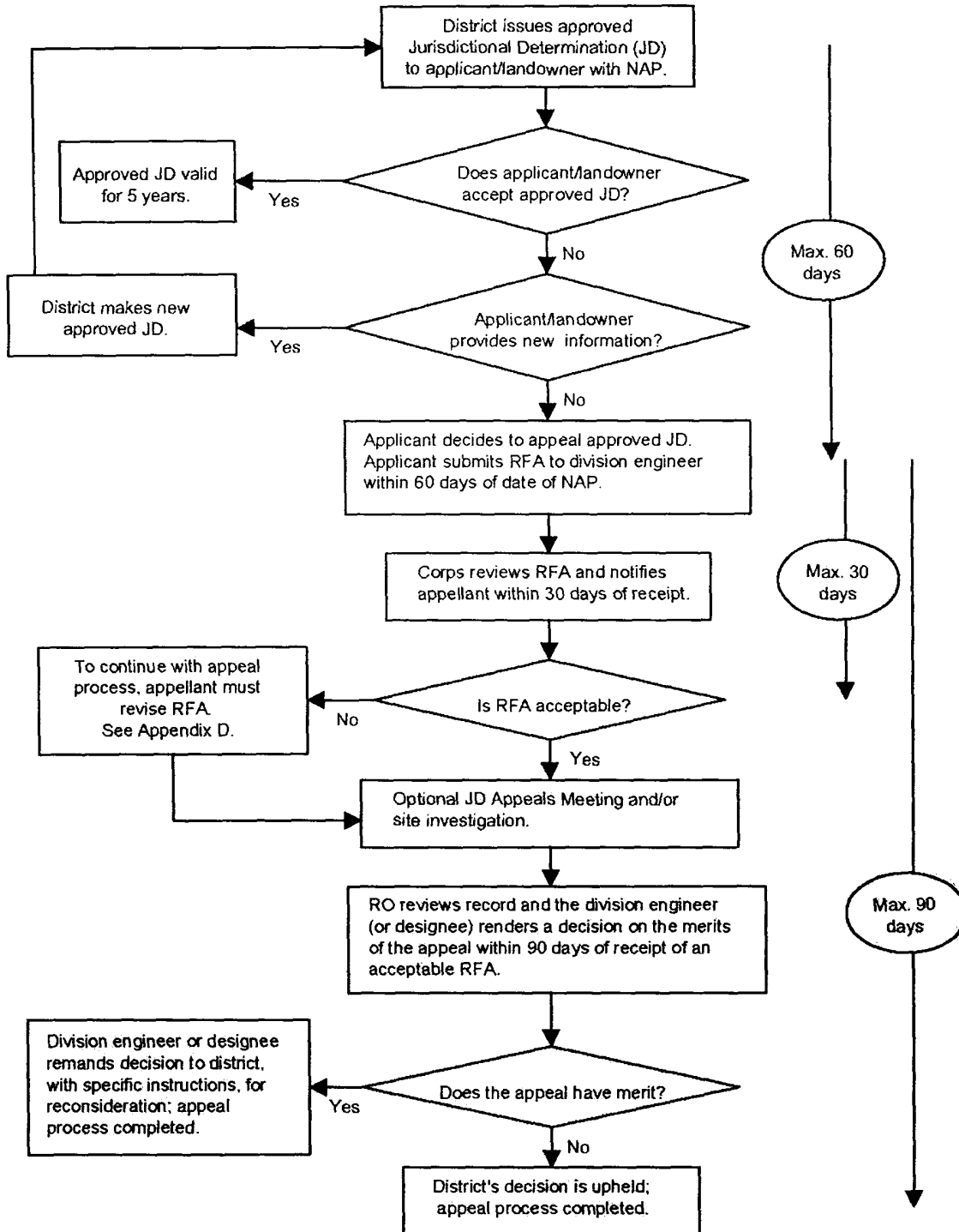
If you have any questions, please contact Kenneth Wong of my staff at (213) 452-3290.

Sincerely,

A handwritten signature in black ink, appearing to read 'Antal Szijj', with a stylized, cursive script.

Antal Szijj  
Acting Chief, North Coast Section  
Regulatory Branch

## Administrative Appeal Process for Approved Jurisdictional Determinations





# NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROFFERED PERMIT REQUESTER FOR APPEAL

<b>Applicant:</b> Brian Nettles	<b>File Number:</b> 200501389-KW	<b>Date:</b> 5/23/05
<b>Attached is:</b>		<b>See Section below</b>
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I:** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cy/cecevo/cecevo.html> or the Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the DISTRICT engineer. Your objections must be received by the DISTRICT engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the DISTRICT engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

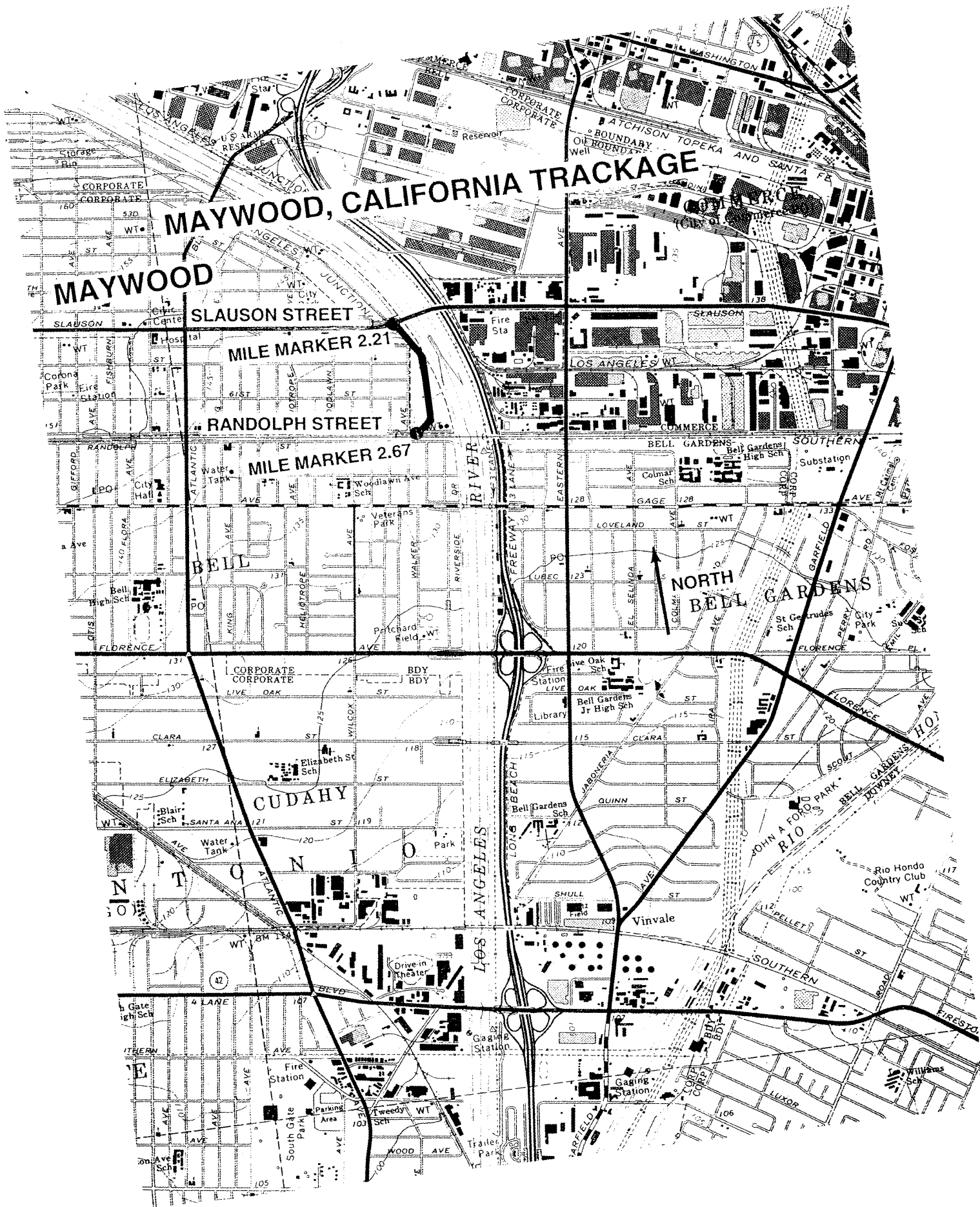
- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION (not district) engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION (not district) engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the DIVISION (not district) engineer (address on reverse). This form must be received by the DIVISION engineer within 60 days of the date of this notice.
- **EXCEPTION:** Appeals of Approved Jurisdictional Determinations based on new information must be submitted to the DISTRICT engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



# MAYWOOD, CALIFORNIA TRACKAGE

**MAYWOOD**

**SLAUSON STREET**

**MILE MARKER 2.21**

**RANDOLPH STREET**

**MILE MARKER 2.67**

**BELL**

**NORTH BELL GARDENS**

**CUDAHY**

**LOS ANGELES**

**JOHN A FORO PARK**

**Rio Hondo Country Club**

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Freeborn & Peters LLP

May 5, 2005

City of Maywood Department of Building  
and Planning  
4319 E. Slauson Ave.  
Maywood, CA 90270

**Re:    *The Los Angeles Junction Railway Company Abandonment of Maywood,  
California***

*Attorneys at Law*

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*Springfield*

Dear Sir or Madam:

The Los Angeles Junction Railway Company plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.46 miles of railroad line between M.P. 2.21 to M.P. 2.67 in Maywood, California.

As part of the environmental report BNSF needs to know if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8 & ½ by 11 black and white maps in the area of each designated floodplain if they are available.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by June 5, 2005. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

J



JOHN A. SIMS  
Paralegal

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**VIA UPS OVERNIGHT MAIL**

May 2, 2005

Mr. Milford W. Donaldson  
State Historic Preservation Officer  
Department of Parks and Recreation  
State of California  
1416 9<sup>th</sup> Street, Room 1442-7  
Sacramento, CA 95814

BNSF Railway Company (BNSF) plans to file an exemption to abandon its line of railroad from railroad milepost 2.21 to railroad milepost 2.67 in Maywood, California, a distance of 0.46 miles in the near future.

As part of the historic report required by the Surface Transportation Board (STB), BNSF needs to know if there are any structures eligible for listing on the National Register of Historic Places and also if there are archaeological resources in the project area.

There are no bridges or structures that are 50 years old or older along the proposed abandonment, therefore, there are no enclosed photographs. The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. If a Notice of Interim Trail Use (NITU) is requested and granted and the line is transferred for trail use under the National Trails Act, the bridges and culverts will also remain intact.

Your early response will be greatly appreciated.

Sincerely,

John A. Sims

Certified Legal Assistant

Enclosure